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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,044	03/01/2002	Daisuke Miyakoshi	112108	2270

25944 7590 10/19/2005

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EXAMINER

REILLY, SEAN M

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/085,044	MIYAKOSHI ET AL.	
	Examiner	Art Unit	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 7/20/2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on 7/20/2005. Claims 1-22 were cancelled and claims 23-33 were added.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorndahl (U.S. Patent Application Publication 2002/0065099) and Ramaswamy et al. (U.S. Patent Number 6,832,082; hereinafter Ramaswamy).
2. With regard to claims 23 and 33, Bjorndahl disclosed a communication device (e.g. mobile station 20 or base station 21, Figure 2 and ¶s 25 and 26) comprising:
  - a first communication unit for communication (IR communication between mobile station 20 and base station 21, figure 2 and ¶ 26);
  - a first wireless communication unit for wireless communication (RF communication between mobile station 20 and base station 21, figure 2 and ¶ 25)
  - a storage unit (required for execution and storage of encryption keys, ¶ 34), and
  - a control unit (Figure 3, processor) that
  - communicates guide information (e.g. encryption or other security data, ¶ 34) used for determining a parameter (e.g. encrypted protocol the devices will use to

communicate, ¶ 34) required for communication between the first wireless communication unit and a second wireless communication unit (RF) of another communication device (e.g. mobile station 20 or base station 21, Figure 2 and ¶s 25 and 26), which comprises the second wireless communication for wireless (RF) communication and a second communication unit for communication (IR communication), using a communication connection established between the first communication unit and the second communication unit without any intermediary node (IR communication between mobile station 20 and base station 21, figure 2 and ¶ 26)

- determines a parameter (reads encryption key) required for communication between the first wireless communication unit and the second wireless communication unit on the basis of the guide information and storing the determined parameter in the storage unit ((¶ 35 or 36), and
- communicates with the second wireless communication unit using the first wireless communication unit following the determined parameter (communicate by encrypting the data accordingly, ¶ 35 or 36);

Bjorndahl disclosed the invention substantially as claimed however, Bjorndahl failed to specifically recite the first communication unit and second communication units are *wired* communication units, instead Bjorndahl used IR communication units (as mapped above). Nonetheless Bjorndahl's system is primarily concerned with secure wireless communication unit initialization. Further it was widely known in the art at the time of the invention to securely initialize wireless communication units over wired links, as evidenced by Ramaswamy. In an

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analogous communication initialization system Ramaswamy disclosed initializing two wireless communication units by using wired communication units (Col 3, lines 19-35). Ramaswamy disclosed using a wired link for initialization is more secure since only an authorized user is able to perform device initialization by having physical access (Col 3, lines 24-29). Further the use of a wired link eliminates the risk of wireless users to eavesdrop, as there is no wireless signal to sniff, and is therefore more secure. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bjorndahl to use a wired communication unit instead of an IR communication unit, since a wired communication unit only permits an authorized user to perform device initialization by having physical access and further wired communication eliminates the risk of wireless eavesdropping.

With regard to claim 24, Ramaswamy disclosed the communication connection between the first wired communication unit and the second wired communication unit is established using an electrical connection established by a direct contact of the first wired communication unit and the second wired communication unit without using a communication cable (Col 3, lines 19-23).

With regard to claim 25, Bjorndahl disclosed the control unit carries out the communication of the guide information and the determination of the parameter when the control unit detects the establishment of the communication connection between the first wired communication unit and the second wired communication unit e.g. detection of IR signal, ¶ 35).

With regard to claim 26, Bjorndahl disclosed the communication device is a communication terminal device (see various devices, ¶ 39 and Figure 4).

With regard to claim 27, Bjorndahl disclosed the communication device is an access point device for relaying data between the another communication device and a communication device different from the another communication device (e.g. a cordless phone base station routes data from a wireless headset to another phone).

With regard to claim 28, Bjorndahl disclosed the control unit determines, as the parameter, an identifier of a communication protocol which is used for communication with the another communication device using the first wireless communication unit (identification of the encryption protocol to use, ¶ 34 or 35).

With regard to claim 29, Bjorndahl disclosed the control unit communicates, as the guide information, cryptograph key information with the another communication device using the first wired communication unit, and encrypts or decrypts data, which is communicated with the another communication device using the first wireless communication unit, using the cryptograph key information (¶ 35 or 36).

With regard to claims 30, 31, and 32 Ramaswamy disclosed the control unit receives an identifier of the another communication device, as the guide information, using the first wired or wireless communication unit, and determines whether the control unit communicates with the another communication device using the first wireless communication unit by comparing the identifier of the another communication device with an identifier stored in the storage unit, the stored identifier identifying a communication device allowed to communicate with or identifying a communication device permitted to use the specific network resource (Col 3, lines 63-65).

*Response to Arguments*

Applicant's arguments are moot in view of the new grounds of rejection set forth.

*Conclusion*

3. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

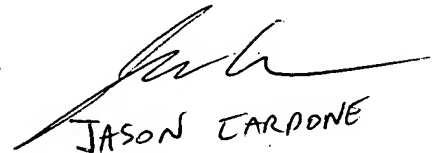
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
10/11/2005

  
JASON CARBONE  
SPE AU 2145